



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF THE  
ADMINISTRATOR

September 24, 2018

The Honorable Paul R. LePage  
Governor of Maine  
State of Maine, Office of the Governor  
1 State House Station  
Augusta, Maine 04333

Dear Governor LePage:

Thank you for your letter of August 27, 2018, to the U.S. Environmental Protection Agency accompanying Maine's submission of the petition to remove portions of the state of Maine from the Ozone Transport Region under the authority of section 176A(a)(2) of the Clean Air Act.

Please know that we will expeditiously consider Maine's section 176(a)(2) petition. The EPA intends to undertake a notice-and-comment rulemaking to address the petition and re-evaluate the inclusion of this portion of Maine in the Ozone Transport Region. I am committed to working constructively with you and other stakeholders as we undertake this process.

Again, thank you for your letter and petition. If you have further questions or concerns, please do not hesitate to contact me or your staff may contact Preston Cory, Director of Intergovernmental Relations, at [Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov) or (202) 564-0846.

Sincerely,

A handwritten signature in black ink, which appears to read "Andrew R. Wheeler", is written over a horizontal line.

Andrew R. Wheeler  
Acting Administrator

STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500  
fax: 907-465-3532



550 West Seventh Avenue, Suite 1700  
Anchorage, AK 99501  
907-269-7450  
fax 907-269-7463  
<https://gov.alaska.gov/>

Governor Bill Walker  
STATE OF ALASKA

September 21, 2018

The Honorable Andrew Wheeler  
Acting Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Acting Administrator Wheeler,

I write today in support of the petition to move the material commonly referred to as chitosan (CAS # 9012-76-4) to the EPA's Minimum Risk Pesticide List. This action will minimize regulatory burdens on the EPA as well as businesses and consumers who produce and use chitosan in America.

Here in Alaska, chitosan production and sales represent an opportunity to fully utilize our crustacean shells and produce a high value, sustainable material that is safe for the environment. Production of chitosan from waste crustacean shells increases domestic profitability of seafood, reducing our seafood trade deficit by converting waste from seafood production into a beneficial and sustainable raw material feedstock, thus decreasing imports of such products. We should all support this type of innovative value-added endeavor, as we seek to bolster our domestic economic production and remove regulatory red tape. Currently, much of the chitosan in our domestic market is imported – this action could help to change that.

I understand the Minimum Risk Pesticide List was, and remains, intended for materials like chitosan which, according to the Minimum Risk Pesticide List ruling 40 "*is not of a character necessary to be regulated under FIFRA*" and "*will not pose unreasonable risks to public health or the environment*". Adding chitosan to the list will relieve significant regulatory burden, allowing small producers to enter the domestic market to compete with the foreign chitosan imports that currently dominate the U.S. chitosan market.

I appreciate your swift action in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill Walker".  
Bill Walker  
Governor



HENRY McMASTER  
GOVERNOR

September 11, 2018

The Honorable Andrew R. Wheeler  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wheeler:

As you are aware, the National Hurricane Center has determined that Hurricane Florence will have a significant impact on one or more southeastern states, including South Carolina, over the course of the next several days. Indeed, according to the latest forecast models, most of South Carolina lies within the National Hurricane Center's Track Forecast Cone, and a significant portion of our coastline is under either a hurricane watch or warning.

In view of the significant threat posed by Hurricane Florence, I have ordered the mandatory evacuation of approximately 1 million people from our coastal counties. Accordingly, because such evacuation efforts are expected to increase demand and pressure on the fuel supply, I write to request that the U.S. Environmental Protection Agency ("EPA") assist in our efforts to optimize consumer access to critical fuel supplies, avoid distribution constraints, and otherwise minimize disruptions associated with Hurricane Florence. More specifically, I respectfully urge the EPA to issue any and all appropriate emergency waivers of federal fuel-related regulations, to include the following: the Reid Vapor Pressure ("RVP") requirements set forth at 40 C.F.R. § 80.27, the reformulated gasoline requirements and commingling prohibitions set forth at 40 C.F.R. § 80.78(a)(7), and the butane blending requirements set forth at 40 C.F.R. § 80.82(e)(1). As you may recall, such waivers helped our state and region minimize fuel-supply interruptions during Hurricane Irma in 2017, and South Carolina remains grateful to the EPA for its swift action and assistance in that regard.

Thank you in advance for your consideration of the instant request. Should you have any questions or need any additional information, please do not hesitate to call me. Your staff may contact my legal counsel, Thomas Limehouse, at 803-734-6023, as well as Tom Allen, director of safety, transportation, and emergency response for the S.C. Office of Regulatory Staff, at 803-622-5308; or Myra Reece, director of environmental affairs for the S.C. Department of Health and Environmental Control, at 803-898-4102.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Henry McMaster", is written over a light blue horizontal line.

Henry McMaster

HM/tl



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 27, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Bruce Rauner  
Governor of Illinois  
Springfield, Illinois 62706

Dear Governor Rauner:

Thank you for your inquiry about ethylene oxide emissions from the Sterigenics facility in Willowbrook, Illinois. Please know that the Agency shares your concerns and is taking actions to provide certainty to the residents of Willowbrook. In the short term, the U.S. Environmental Protection Agency's (EPA) national Office of Air and Radiation will be collecting, analyzing, and communicating technical information, including recent stack testing results, risk and exposure modeling, and ambient monitoring, to provide updated, comprehensive information to the public. It is important to note that the air concentrations of ethylene oxide are not high enough to cause immediate harm to health for the people in and around Willowbrook.

We are working with state and local air agencies and other EPA offices to take steps to address emissions of ethylene oxide, and are committed to continuing to provide information to the public throughout this process. Initial information, including links to information for the Willowbrook facility, is available on our ethylene oxide website at: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide>.

Willowbrook is one of a number of areas that the recently updated National Air Toxics Assessment (NATA) identifies as potentially having an elevated chronic risk from ethylene oxide. NATA is a screening tool to identify areas of the country, pollutants or types of pollution sources that may need to be examined further to better understand risks to public health. Ethylene oxide is used to sterilize equipment and plastic devices that cannot be sterilized by steam, such as medical equipment. The elevated risks from ethylene oxide in the 2014 NATA are driven largely by a toxicity value from the Agency's 2016 IRIS assessment, which estimated that ethylene oxide is 50 to 60 times more potent than previous estimates. This value is used along with the information about air concentrations (exposure), to determine potential risk of cancer that may occur to someone who is continuously exposed to a specific chemical for 24 hours per day over 70 years.

Over the last several months, EPA has provided ethylene oxide-related information from NATA and additional technical work to the community in and around Willowbrook. We know that this information has raised a number of questions and the Agency is working to develop additional technical and communication materials to help the community understand the potential risks.



Based on preliminary NATA results earlier this year, EPA Region 5 contacted Sterigenics about its emissions. The company quickly and voluntarily took steps to reduce emissions using pollution control equipment. The pollution control improvements were completed on July 27, 2018. Sterigenics had estimated that the control equipment would reduce ethylene oxide emissions by over 90 percent. After the pollution controls began operating, a contractor hired by Sterigenics conducted stack testing of ethylene oxide emissions at the facility on September 20 and 21, 2018. U.S. EPA subject matter experts as well as experts from the Illinois EPA were on site to ensure that the tests followed EPA-approved protocols and would provide the right type of information to inform the community about resulting changes in emissions and concentrations of ethylene oxide. This testing will give the Agency the information it needs to provide the most accurate picture of the potential risks to the community, and actions the Agency may need to take.

We expect to receive the results of the testing in the next few days. Early indications from the post-control stack testing suggest that emissions have indeed been significantly reduced. Our experts will work with our colleagues at the Illinois EPA to review the test data as soon as we receive it to quality assure the results and make them available to the public as expeditiously as possible. EPA will use the quality-assured data from the stack tests to conduct additional technical assessments that will help us estimate potential risk for the community. U.S. EPA will work closely with Illinois EPA and Sterigenics as we conduct these assessments.

We have received a number of requests to conduct outdoor air quality monitoring of ethylene oxide in Willowbrook. While there are limitations to the ability of currently available monitoring instruments and techniques to measure ethylene oxide at all levels that may present a long-term public health risk, EPA also intends to supplement this technical work with appropriate ambient monitoring in the near future. It is important to note that data from emissions testing at the stack provides the most accurate information to assist us in determining potential risk.

EPA is also working to further investigate emissions at the other areas NATA indicated may be at higher risk due to ethylene oxide exposure. We will work with state and local agencies and across EPA offices on a two-pronged approach to address ethylene oxide emissions:

1. The Agency has already started to review and update Clean Air Act regulations for facilities that emit ethylene oxide. This work includes standards applicable to chemical plants that use ethylene oxide and, more importantly for Willowbrook, standards for sterilizers that use ethylene oxide.
2. We are gathering additional information on industrial emissions of ethylene oxide from particular facilities, including the Willowbrook facility. This information will help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review. It also will help the Agency determine whether more immediate emission reduction steps are necessary in any particular locations.

Additional information on our work to address ethylene oxide is available at: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide>. The 2014 NATA results are available at: <https://www.epa.gov/national-air-toxics-assessment/2014-nata-assessment-results>.

EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the U.S. Please do not hesitate to contact me or Troy Lyons in the Office of Congressional and Intergovernmental Relations at [lyons.troy@epa.gov](mailto:lyons.troy@epa.gov) or 202-564-5200 if you wish to discuss this issue further.

Sincerely,

A handwritten signature in blue ink, appearing to read 'WL Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

September 12, 2018

Christopher T. Sununu, Governor  
State of New Hampshire  
107 North Main Street, State House – Room 208  
Concord, New Hampshire 03301

Dear Governor Sununu:

Thank you for your July 28, 2018, letter designating the New Hampshire Department of Health and Human Services (NH DHHS) as the authorized agency for entering into State Indoor Radon Grant (SIRG) agreements with the Environmental Protection Agency.

Exposure to radon in the United States causes an estimated 21,000 lung cancer deaths annually and radon is the second-leading cause of lung cancer after smoking. We acknowledge the importance of state radon programs for reducing radon risk and saving lives and are pleased that New Hampshire is supporting this critical program.

We are excited to be working with New Hampshire again as a collaborative partner in the SIRG program. EPA staff met with NH DHHS in Concord on August 28<sup>th</sup> to discuss SIRG Program Guidance and the Grant Agreement Workplan currently under development. We look forward to supporting this Radon Risk Reduction Workplan to reduce lung cancer deaths through the SIRG program.

If you have any questions regarding this matter, please don't hesitate to contact me, or your staff may contact Eric Wortman of my staff at (617) 918-1624.

Sincerely,

A handwritten signature in black ink, reading "Alexandra Dunn". The signature is fluid and cursive, with the first name "Alexandra" being more prominent than the last name "Dunn".

Alexandra Dunn  
Regional Administrator

cc: Jefferey A. Meyers, DHHS Commissioner  
Lisa Morris, DPHS Director  
Mathew Cahillane, DPHS Program Manager





# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dunn, Director**

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**EPD Director's Office**

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

September 12, 2018

Mr. Andrew Wheeler  
Acting Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, DC 10460

Re: Waiver of the Prohibition Against Co-mingling with RFG  
Waiver of 7.8 RVP Gasoline for the Metro Atlanta Area

Dear Mr. Wheeler,

This correspondence shall serve as the Georgia Environmental Protection Division's (EPD) written request on behalf of Governor Deal for relief from EPA's fuel co-mingling prohibition. This request is being made to help overcome a potential shortage of gasoline in Georgia due to Hurricane Florence. Shortages of gasoline are likely to occur in metro Atlanta and statewide as early as September 13, 2018. In order to mitigate the impact to Georgia citizens and visitors from surrounding affected states, I am requesting an immediate waiver of the co-mingling prohibition for September 13, 2018 through September 30, 2018. Providing relief will allow any potential short-term shortages to be made up with any available supplies of gasoline.

Additionally, shortages of the 7.8 RVP gasoline fuel are likely to occur in the metro Atlanta area as early as September 13, 2018. In order to mitigate the impact to Georgia citizens, I am requesting an immediate waiver of the 7.8 RVP requirement for the remainder of the June 1 – September 15, 2018 regulatory control period. Providing relief from the 7.8 RVP fuel requirement will allow any potential short-term shortages of 7.8 RVP gasoline to be made up with available supplies of 9.0 RVP gasoline.

The RFG regulations at 40 C.F.R. § 80.789a)(7) prohibit any person in Georgia (and other states) from combining reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the type and amount specified by the refiner that produced the RBOB. To provide relief to fuel suppliers, EPD is requesting that EPA waive the prohibition from this co-mingling.

I would appreciate your expeditious approval of this request. If you have any questions about this request, please do not hesitate to contact me at 404-656-4713.

Sincerely,

Richard E. Dunn  
Director  
Georgia Environmental Protection Division

RED:kdh



Cc: Trey Glenn, EPA R4 Administrator  
Amber Davis, EPA R4  
Madison Le, EPA, OTAQ  
Mary Walker, EPA R4 Deputy Administrator  
Bill Wehrum, Acting Assistant Administrator, EPA, OAR  
Susan Bodine, Assistant Administrator, EPA, OECA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 12, 2018

OFFICE OF  
THE ADMINISTRATOR

The Honorable Nathan Deal  
Governor of Georgia  
203 State Capitol  
Atlanta, Georgia 30334

The Honorable Ralph Northam  
Governor of the Commonwealth of Virginia  
State Capitol  
Third Floor  
Richmond, Virginia 23219

Re: September 12, 2018 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Georgia and Virginia

Dear Governors:

I have received requests for waivers under the Clean Air Act (CAA) made on your behalf to address fuel supply emergencies caused by the imminent landfall of Hurricane Florence. In response to these requests, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent the disruption of an adequate supply of gasoline in the State of Georgia and parts of the Commonwealth of Virginia.

As you know, regulations promulgated under the CAA require the use of low volatility gasoline during certain months in order to limit the formation of ozone pollution. The regulations requiring the use of low volatility conventional gasoline (CG) during the high ozone season are found at 40 C.F.R. § 80.27. See 40 C.F.R. § 80.27 and <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure#table>. The regulations requiring the use of low volatility reformulated gasoline (RFG) are found at 40 C.F.R. § 80.78. The RFG regulations at 40 C.F.R. § 80.78(a)(7) also prohibit any person from combining any reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the oxygenate of the type and amount specified by the refiner that produced the RBOB. RBOB is combined with its specified oxygenate to produce RFG.

A number of states impacted by Hurricane Florence have declared states of emergency and issued evacuation notices, and fuel suppliers are rapidly depleting compliant summer supplies by continually refueling evacuation routes and other retail locations in the affected areas. Fuel suppliers have also had to reduce sales of compliant gasoline to increase the level of gasoline maintained in their storage tanks in order to increase stability of the tanks in preparation for the storm. The supply shortages caused by Hurricane Florence can be reduced by waiving the requirements to sell low volatility CG and RFG and by waiving provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RBOB with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [ ] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Florence, an event that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in Georgia and parts of Virginia. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

#### Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in Georgia and parts of Virginia to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending (BOBs)) with an RVP of up to 9.0 pounds per square inch (psi) before the addition of any ethanol in Georgia and an RVP of up to 11.5 psi before the addition of any ethanol in the CG areas in Virginia and in the Southern Virginia RFG areas.<sup>1</sup> This waiver of the federal RVP standards is effective immediately and will continue through September 15, 2018, which is the end of the high ozone season.<sup>2</sup>

#### Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the Southern Virginia RFG areas. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including BOBs) with an RVP of 11.5 psi before the addition of any ethanol in the Southern Virginia RFG areas. This waiver of the federal RFG requirements is effective immediately and will continue through September 30, 2018.<sup>3</sup>

Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RBOB with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to Georgia, the CG areas

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<sup>1</sup> The Southern Virginia RFG areas include the following localities and counties: Charles City County, Chesapeake, Chesterfield County, Colonial Heights, Hampton, Hanover County, Henrico County, Hopewell, James City county, Newport News, Norfolk, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, Williamsburg, and York County.

<sup>2</sup> Since I have waived the RVP requirements in 40 C.F.R. § 80.27, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1).

<sup>3</sup> Since I have waived the requirement to sell RFG in these localities and counties, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during the waiver period.



in Virginia and the Southern Virginia RFG areas. This waiver is effective immediately and will continue through September 30, 2018.

Gasoline that does not meet the federal RFG requirements may not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in RFG covered areas within Virginia where the federal RFG requirements remain in effect. After September 30, 2018, gasoline that does not meet the federal RFG requirements may also not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in Southern Virginia RFG areas. Any such gasoline that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers in Southern Virginia RFG areas may be distributed and sold in these areas after September 30, 2018, until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers in the Southern RFG areas may continue selling or dispensing gasoline that meets the conditions of this waiver after September 30, 2018, until their supplies are depleted.

This waiver only applies to the applicable federal requirements cited above for the designated areas. Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler  
Acting Administrator

cc: The Honorable Rick Perry, Secretary of Energy  
Richard E. Dunn, Director, Environmental Protection Division, Georgia Department of Natural Resources  
David K. Paylor, Director, Virginia Department of Environmental Quality  
Jewel H. Bronaugh, Ph.D., Commissioner, Virginia Department of Agriculture and Consumer Services





# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dunn, Director**

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**EPD Director's Office**

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

September 13, 2018

Mr. Andrew Wheeler  
Acting Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, DC 10460

Re: Request for Waiver of 9.0 RVP Gasoline Requirement

Dear Mr. Wheeler,

This correspondence shall serve as the Georgia Environmental Protection Division's (EPD) written request on behalf of Governor Deal for relief from EPA's 9.0 RVP requirement for the state of Georgia. This request is being made to help overcome any shortage of gasoline in Georgia due to Hurricane Florence.

The request for a waiver of the 9.0 RVP requirement for all 159 counties will allow any short-term shortages to be made up with available supplies of 11.5 RVP gasoline.

I would appreciate your expeditious approval of this request. If you have any questions about this request, please do not hesitate to contact me at 404-656-4713.

Sincerely,

Richard E. Dunn  
Director  
Georgia Environmental Protection Division

RED:kdh

Cc: Trey Glenn, EPA R4 Administrator  
Amber Davis, EPA R4  
Madison Le, EPA, OTAQ  
Mary Walker, EPA R4 Deputy Administrator  
Bill Wehrum, Acting Assistant Administrator, EPA OAR  
Susan Bodine, Acting Assistant Administrator, EPA, OECA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 13, 2018

OFFICE OF  
THE ADMINISTRATOR

The Honorable Nathan Deal  
Governor of Georgia  
203 State Capitol  
Atlanta, Georgia 30334

The Honorable Ralph Northam  
Governor of the Commonwealth of Virginia  
State Capitol  
Third Floor  
Richmond, Virginia 23219

Re: Revised September 12, 2018 Fuel Waiver Concerning Conventional and Reformulated  
Gasoline in Georgia and Virginia

Dear Governors:

On September 12, 2018, I issued a waiver under the Clean Air Act (CAA) to address fuel supply emergencies in Georgia and parts of Virginia caused by the imminent landfall of Hurricane Florence. On September 13, 2018, I received a request from Georgia to expand the scope of the fuel waiver to allow the use of winter gasoline throughout the state. In response to these requests, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent the disruption of an adequate supply of gasoline in the State of Georgia and parts of the Commonwealth of Virginia.

As you know, regulations promulgated under the CAA require the use of low volatility gasoline during certain months in order to limit the formation of ozone pollution. The regulations requiring the use of low volatility conventional gasoline (CG) during the high ozone season are found at 40 C.F.R. § 80.27. *See* 40 C.F.R. § 80.27 and <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure#table>. The regulations requiring the use of low volatility reformulated gasoline (RFG) are found at 40 C.F.R. § 80.78. The RFG regulations at 40 C.F.R. § 80.78(a)(7) also prohibit any person from combining any reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the oxygenate of the type and amount specified by the refiner that produced the RBOB. RBOB is combined with its specified oxygenate to produce RFG.

A number of states impacted by Hurricane Florence have declared states of emergency and issued evacuation notices, and fuel suppliers are rapidly depleting compliant summer supplies by continually refueling evacuation routes and other retail locations in the affected areas. Fuel suppliers have also had to reduce sales of compliant gasoline to increase the level of gasoline maintained in their storage tanks in order to increase stability of the tanks in preparation for the storm. The supply shortages caused by Hurricane Florence can be reduced by waiving the requirements to sell low volatility CG and RFG and by



waiving provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RBOB with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [ ] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Florence, an event that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in Georgia and parts of Virginia. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

#### Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in Georgia and parts of Virginia to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending (BOBs)) with an RVP of up to 11.5 pounds per square inch (psi) before the addition of any ethanol in Georgia and an RVP of up to 11.5 psi before the addition of any ethanol in the CG areas in Virginia and in the Southern Virginia RFG areas.<sup>1</sup> This waiver of the federal RVP standards is effective immediately and will continue through September 15, 2018, which is the end of the high ozone season.<sup>2</sup>

#### Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the Southern Virginia RFG areas. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including BOBs) with an RVP of 11.5 psi before the addition of any ethanol in the Southern Virginia RFG areas. This waiver of the federal RFG requirements is effective immediately and will continue through September 30, 2018.<sup>3</sup>

Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RBOB with any other gasoline, blendstock, or oxygenate, unless certain conditions are

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<sup>1</sup> The Southern Virginia RFG areas include the following localities and counties: Charles City County, Chesapeake, Chesterfield County, Colonial Heights, Hampton, Hanover County, Henrico County, Hopewell, James City county, Newport News, Norfolk, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, Williamsburg, and York County.

<sup>2</sup> Since I have waived the RVP requirements in 40 C.F.R. § 80.27, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1).

<sup>3</sup> Since I have waived the requirement to sell RFG in these localities and counties, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during the waiver period.

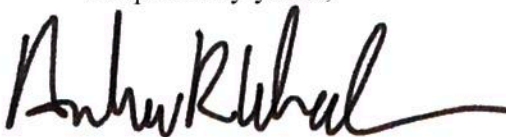
met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to Georgia, the CG areas in Virginia and the Southern Virginia RFG areas. This waiver is effective immediately and will continue through September 30, 2018.

Gasoline that does not meet the federal RFG requirements may not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in RFG covered areas within Virginia where the federal RFG requirements remain in effect. After September 30, 2018, gasoline that does not meet the federal RFG requirements may also not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in Southern Virginia RFG areas. Any such gasoline that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers in Southern Virginia RFG areas may be distributed and sold in these areas after September 30, 2018, until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers in the Southern RFG areas may continue selling or dispensing gasoline that meets the conditions of this waiver after September 30, 2018, until their supplies are depleted.

This waiver only applies to the applicable federal requirements cited above for the designated areas. Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

This waiver amends my September 12th waiver.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Andrew Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler  
Acting Administrator

cc: The Honorable Rick Perry, Secretary of Energy  
Richard E. Dunn, Director, Environmental Protection Division, Georgia Department of Natural Resources  
David K. Paylor, Director, Virginia Department of Environmental Quality  
Jewel H. Bronaugh, Ph.D., Commissioner, Virginia Department of Agriculture and Consumer Services